

across the country: Baltimore, Maryland, Pittsburgh, Pennsylvania, Chicago, Illinois, Miami, Florida, Detroit, Michigan, Dallas, Texas, Westchester County, New York, Oakland, California, Seattle, Washington, Charlotte, North Carolina, Cleveland, Ohio, Atlanta, Georgia, St. Louis, Missouri, Indianapolis, Indiana, Buffalo, New York, San Francisco, California, and Minneapolis, Minnesota: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—*

(1) National Courage Month provides an opportunity to educate the people of the United States about the positive role that professional athletes can play as inspirations for America's youth; and

(2) the Ed Block Courage Award Foundation should be recognized for its outstanding contributions toward helping those affected by child abuse.

#### PROCEDURAL FAIRNESS FOR SEPTEMBER 11 VICTIMS ACT OF 2007

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from consideration of S. 2106, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2106) to provide nationwide subpoena authority for actions brought under the September 11 Victim Compensation Fund of 2001.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, 6 years ago, just days after the terrorist attacks of September 11, Members of Congress on both sides of the aisle came together to pass comprehensive legislation entitled "the Air Transportation Safety and System Stabilization Act," which provided victims of the terrorist attack the option of filing a claim with a national compensation program or seeking limited damages in one Federal district court—the United States District Court for the Southern District of New York.

This Federal cause of action was designed to give victims and their families a choice in the aftermath of September 11. I supported giving the victims and their families a Federal cause of action in court to pursue civil damages, but it has come to my attention that an important procedural protection was left out of the bipartisan legislation we passed 6 years ago.

The 9-11 victims' case currently being litigated in the Southern District of New York includes parties and witnesses from across the country. However, the existing Federal Rules of Civil Procedure restricts the reach of trial subpoenas to a 100-mile radius of the place of trial. This procedural rule effectively prevents subpoenas from being served in the very cities where the flights originated and where two of them crashed on the morning of September 11.

The bipartisan solution to the problem that Congress created is the Proce-

dural Fairness for September 11 Victims Act, S. 2106. It provides for nationwide service of subpoenas for the September 11 victims. Congress has repeatedly provided for nationwide subpoena power in other instances such as the False Claims Act, the Veterans' Benefits Act, and the Civil RICO statute.

I call on my colleagues to pass this procedural fix that will allow the victims to have a chance to have their claims fairly and thoroughly heard in court. The heart of every American aches for those who died or were injured because of the tragic attacks in New York, Virginia, and Pennsylvania on September 11. Although no amount of compensation can replace a lost loved one, the Procedural Fairness for September 11 Victims Act offers a technical fix that is crucial to assisting the September 11 victims and their families.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time, passed and the motion to reconsider be laid upon the table; that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2106) was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 2106

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Procedural Fairness for September 11 Victims Act of 2007".

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) The September 11th Victims Compensation Fund of 2001 (49 U.S.C. 40101 note) establishes a Federal cause of action in the United States District Court for the Southern District of New York as the exclusive remedy for damages arising out of the hijacking and subsequent crash of American Airlines flights 11 and 77, and United Airlines flights 93 and 175, on September 11, 2001.

(2) Rules 45(b)(2) and 45(c)(3)(A)(ii) of the Federal Rules of Civil Procedure effectively limit service of a subpoena to any place within, or within 100 miles of, the district of the court by which it is issued, unless a statute of the United States expressly provides that the court, upon proper application and cause shown, may authorize the service of a subpoena at any other place.

(3) Litigating a Federal cause of action under the September 11 Victims Compensation Fund of 2001 is likely to involve the testimony and the production of other documents and tangible things by a substantial number of witnesses, many of whom may not reside, be employed, or regularly transact business in, or within 100 miles of, the Southern District of New York.

#### SEC. 3. NATIONWIDE SUBPOENAS.

Section 408(b) of the September 11 Victims Compensation Fund of 2001 (49 U.S.C. 40101 note) is amended by adding at the end the following:

"(4) NATIONWIDE SUBPOENAS.—

"(A) IN GENERAL.—A subpoena requiring the attendance of a witness at trial or a hearing conducted under this section may be served at any place in the United States.

"(B) RULE OF CONSTRUCTION.—Nothing in this subsection is intended to diminish the authority of a court to quash or modify a subpoena for the reasons provided in clause (i), (iii), or (iv) of subparagraph (A) or subparagraph (B) of rule 45(c)(3) of the Federal Rules of Civil Procedure."

#### THE CALENDAR

Mr. REID. I ask unanimous consent that it be in order for the Senate to proceed en bloc to consideration of the following calendar items: Calendar No. 389, H.R. 2467; Calendar No. 390, H.R. 2587; Calendar No. 391, H.R. 2654; Calendar No. 392, H.R. 2765; Calendar No. 393, H.R. 2778; Calendar No. 394, H.R. 2825; Calendar No. 395, H.R. 3052; and Calendar No. 396, H.R. 3106.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate will proceed to the consideration of the measures en bloc.

The Senate proceeded to consider the bills.

Mr. REID. I ask unanimous consent that the bills be read a third time and passed en bloc; the motions to reconsider be laid on the table en bloc; that consideration of these items appear separately in the RECORD, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FRANK J. GUARINI POST OFFICE BUILDING

The bill (H.R. 2467) to designate the facility of the United States Postal Service located at 69 Montgomery Street in Jersey City, New Jersey, as the "Frank J. Guarini Post Office Building," was ordered to a third reading, read the third time, and passed.

#### KENNETH T. WHALUM, SR. POST OFFICE BUILDING

The bill (H.R. 2587) to designate the facility of the United States Postal Service located at 555 South 3rd Street Lobby in Memphis, Tennessee, as the "Kenneth T. Whalum, Sr. Post Office Building," was ordered to a third reading, read the third time, and passed.

#### ELEANOR McGOVERN POST OFFICE BUILDING

The bill (H.R. 2654) to designate the facility of the United States Postal Service located at 202 South Dumont Avenue in Woonsocket, South Dakota, as the "Eleanor McGovern Post Office Building," was ordered to a third reading, read the third time, and passed.

#### MASTER SERGEANT SEAN MICHAEL THOMAS POST OFFICE

The bill (H.R. 2765) to designate the facility of the United States Postal Service located at 44 North Main Street in Hughesville, Pennsylvania, as